

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

SHADOW GLEN 2021, L.L.C.

CIV. ACTION NO. 3:22-05163

VERSUS

JUDGE TERRY A. DOUGHTY

**STEWARD HEALTH CARE
SYSTEM, L.L.C.**

MAG. JUDGE KAYLA D. MCCLUSKY

ORDER

On August 30, 2022, Plaintiff Shadow Glen 2021, L.L.C. (“Shadow Glen”) filed the instant suit in federal court against Defendants Steward Health Care System, L.L.C. (“Steward”) and MPT of West Monroe, L.L.C. (“MPT”) on the exclusive basis of diversity jurisdiction. 28 U.S.C. §1332. On February 27, 2023, the court reviewed the record and noted that Shadow Glen had failed to properly allege the citizenship for all three parties. (Feb. 27, 2023 Order [doc. # 25]). For the past seven months, via a series of orders, the court has endeavored, with limited success, to guide and coax Shadow Glen into jurisdictional conformity. *See* doc. #s 25, 27, 31.


Shadow Glen’s latest effort is reflected in its Third Amended Complaint (“TAC”), which it filed on October 10, 2023, whereby it effectively substituted IASIS Glenwood Regional Medical Center LP for Defendant, Steward. (TAC [doc. # 56]). However, the TAC inexplicably continued to ignore the court’s prior orders requiring Shadow Glen to *identify* its *own* members¹ and to identify the *members* and citizenship of Defendant, MPT.² [doc. #s 25, 27, & 31].

¹ *See MidCap Media Fin., L.L.C. v. Pathway Data, Inc.*, 929 F.3d 310, 314 (5th Cir. 2019) (the pleadings need to *identify* plaintiff’s members and allege their citizenship); *Ben E. Keith Co. v. Dining All., Inc.*, 80 F.4th 695, 703 n.10 (5th Cir. 2023) (if, because of claimed confidentiality, defendant was unable to provide the *names* and citizenship of all LLC members, then it could not prove federal diversity jurisdiction).

² *See SXSX, L.L.C. v. Fed. Ins. Co.*, 83 F.4th 405, 408 (5th Cir. 2023) (distinguishing “ownership” from “membership” for purposes of LLC citizenship).

Accordingly, within the next seven (7) days from the date of this order, Shadow Glen is granted leave of court to file still another amended complaint for the limited purpose of establishing diversity jurisdiction.³ See 28 U.S.C. § 1653. If Shadow Glen fails to so comply, or if jurisdiction is found to be lacking, then dismissal will be recommended. FED. R. CIV. P. 12(h)(3).

In Chambers, at Monroe, Louisiana, on this 2nd day of November, 2023.



KAYLA DYE MCCLUSKY
UNITED STATES MAGISTRATE JUDGE

³ For assistance in alleging MPT's citizenship, Shadow Glen may review MPT's Diversity Jurisdiction Disclosure Statement [doc. # 7] filed in *Kilcrease v. MPT of West Monroe, L.L.C.*, Civ. Action No. 23-0570 (W.D. La.), where MPT's attorneys successfully managed to allege their client's citizenship.